

Real Estate

Provision of Alternate Facilities in Germany

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and for negotiation of alternate facility agreements in Germany.

**Applicability.** This regulation applies to units, organizations, and agencies in Germany for which the Commander in Chief, USAREUR, has logistic support responsibility.

**Supplementation.** Commanders will not supplement this regulation without Commander in Chief, USAREUR, approval.

**Suggested Improvements.** The proponent of this regulation is the Office of the Deputy Chief of Staff, Engineer, HQ USAREUR/7A (AEAEN-RE, 370-6979). Users may send suggestions to improve this regulation on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Commander in Chief, USAREUR, ATTN: AEAEN-RE, Unit 29351, APO AE 09014.

**Summary.** This regulation prescribes policy and procedures for reviewing German construction, zoning, and use plans

**Distribution.** Distribute according to DA Form 12-88-E, block 0453, command level C.

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## USAREUR Reg 405-11

### SECTION I GENERAL

#### 1. PURPOSE

This regulation establishes policy and procedures to—

a. Monitor and review German construction, zoning, and use plans.

b. Negotiate with appropriate Germany authorities for exchange or replacement of U.S. Forces-controlled facilities because of German construction, relocation, development, or master plans.

#### 2. REFERENCES

a. Agreement between the Parties of the North Atlantic Treaty regarding the Status of their Forces (NATO SOFA).

b. Agreement to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany (SA).

c. United States Army Corps of Engineers Architectural and Engineering Instructions (AEI).

d. Agreement on Accomplishment of Alternate Construction for US (Army) Forces stationed in the Federal Republic of Germany Standing Operating Procedures, 22 March 1965.

e. Technical Manual (TM) 5-803-4, Planning of Army Aviation Facilities.

f. AR 415-15, Army Military Construction Program Development and Execution.

g. AR 415-35, Minor Construction, Emergency Construction, and Replacement of Facilities Damaged or Destroyed.

h. AR 420-17 and USAREUR Supplement 1, Real Property and Resource Management.

i. USAREUR Regulation 210-60, Establishment of Exterior Protective or Safety Zones (*Schutzbereich*), Germany.

j. USAREUR Regulation 405-8 Acquisition, Administration, and Disposal of Real Estate in the Federal Republic of Germany.

k. USAREUR Space and Planning Criteria Manual.

#### 3. ABBREVIATIONS AND TERMS

The glossary explains abbreviations, German words, and special terms used in this regulation.

### SECTION II REVIEW OF GERMAN CONSTRUCTION, ZONING, AND USE PLANS

#### 4. REVIEW POLICY

a. German development and construction planning, public and private requirements, and operational interests may cause requests for exchange or release of U.S. Forces-controlled property. German construction projects and land-development or -use plans are developed under the *Bundesbaugesetz* (German Federal Construction Law) and frequently affect U.S. Forces installations.

(1) The Deputy Chief of Staff, Engineer (DCSENGR), USAREUR, will review and comment on German zoning, land-use, and development and construction plans that have a direct effect on—

(a) Existing U.S. Forces installations.

(b) Future master plans for installations.

(c) Plans that may result in a request for exchange or release of U.S. Forces-controlled property.

(2) Area support group (ASG) commanders may approve German zoning, land-use, and development and construction plans that have no direct effect on U.S. Forces installations. ASG commanders will send a copy of German plans they approve to the Commander in Chief, ATTN: AEAEN-RE, Unit 29351, APO AE 09014.

b. German Federal and State (*Land*) accommodations have been consigned to the U.S. Forces for defense needs (under the SA, arts 48 and 53). The U.S. Forces require these holdings to be—

(1) Designated in German planning documents as "areas for general public use" (*Flächen für den Gemeinbedarf*) or "special areas" (*Sondergebiete*).

(2) Subject to special planning considerations provided by the *Bundesbaugesetz*.

c. German construction, zoning, and use plans submitted for U.S. Forces review may take many forms (for example, plans for airfields, communication lines, regional development, land use, "green belts," easements, gas pipelines, nature preserves, *Zustimmung der Nachbarn* (neighbors consents), powerlines, railroads, road construction, encroachment on training areas, establishment of water-protection zones).

(1) After the appropriate ASG director of engineering and housing (DEH) has evaluated the engineering aspects of these plans, the ASG commander must incorporate the findings and the operational requirements of subordinate units into a command-position statement.

(2) If the German plans will have a major effect on U.S. Forces installations and agencies, the ASG commander will send all information (incl the command-position statement) to the DCSENGR. If the German plans do not affect U.S. Forces installations, the ASG commander may approve them and provide a copy to the DCSENGR (a(2) above).

d. The DCSENGR, as the designated representative of the Commander in Chief, USAREUR, will—

(1) Develop a command-position statement on German construction, zoning, and use plans that will have a major effect on U.S. Forces installations and agencies.

(2) Be the only U.S. Forces approval authority to the German Government.

## 5. RESPONSIBILITIES

a. The DCSENGR will—

(1) Determine procedures for reviewing German construction, zoning, and use plans; making final determinations; and formulating U.S. Forces position statements about the plans.

(2) On receipt of German construction, zoning, and land-use plans directly from a German agency, forward all documents to the appropriate ASG commander for review and comment.

(3) Ensure HQ USAREUR/7A staff offices, USAREUR commands, and other U.S. Forces agencies having an interest in German plans and proposals are informed of and have an opportunity to comment on them.

(4) On receipt of ASG and staff replies, evaluate German construction, zoning, and development plans to determine their affect on U.S. Forces operations and installations.

(5) Identify, coordinate, and give final approval of conditions and measures required to protect U.S. Forces interests in regard to German plans and proposals.

(6) Convey the U.S. Forces position to appropriate German authorities.

(7) Conduct technical discussions with appropriate German authorities about German plans and proposals.

(8) Negotiate with appropriate German authorities for provision of suitable protective measures or required alternate facilities, or both.

(9) Process facility acquisition or release documentation with German authorities and local U.S. military community accountable officers.

b. The Commander in Chief, USAREUR, Liaison Officer, American Embassy, Bonn, will—

(1) Convey the German position to the DCSENGR.

(2) Provide the USAREUR position to appropriate German authorities.

(3) Advise the DCSENGR on political considerations as appropriate.

c. U.S. Forces liaison officers (USFLOs) will—

(1) Forward construction, zoning, and use plans and correspondence from German agencies to the affected ASG with a synopsis of the action required. USFLOs also will send a copy of German documents to HQ USAREUR/7A (AEAEN-RE) for information.

(2) Keep *Land* and local Government agency officials informed of the need to send plans and proposals to the DCSENGR only through the responsible German regional finance office (*Oberfinanzdirektion (OFD)*), Federal Assets Office (*Bundesvermögensamt (BVA)*), or territorial command (*Wehrbereichsverwaltung (WBV)*).

(3) Help the DCSENGR in discussions and negotiations with appropriate *Land* and local Government agency officials when requested.

d. U.S. real estate field office (REFO) personnel will—

(1) Forward construction, zoning, and use plans and correspondence from German agencies to the affected ASG with a synopsis of the action required. REFOs will send a copy of German documents to HQ USAREUR/7A (AEAEN-RE) for information.

(2) Keep *Land* and local Government agency officials informed of the need to send plans and proposals to the DCSENGR only through the responsible *OFD*, *BVA*, or *WBV*.

(3) Help the DCSENGR in discussions and negotiations with appropriate *Land* and local Government agency officials when requested.

(4) Process acquisitions and releases of accommodations as directed by the DCSENGR.

e. ASG commanders will—

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(1) Evaluate German construction, zoning, and land-use plans to determine their effect on U.S. installations and activities.

(2) Identify base support battalions (BSBs), area support team (ASTs), using units, staff elements, or other U.S. commands that may have an interest in the plans or proposals, and ensure that they have an opportunity to comment. A suspense will be assigned to requests for evaluation by interested agencies.

(3) Consolidate comments ((2) above), develop basic U.S. Forces requirements and recommendations, and submit command-position statements to the DCSENGR on construction, zoning, and land-use plans when they will have major effect on U.S. installations. When there is no effect on U.S. installations, the ASG commander may approve the German plans and send the approval through the originating REFO or USFLO channel to the German agencies.

(4) Maintain a close working relationship with local German communities to encourage them to inform the U.S. Forces of proposed local construction, zoning, and land-use plans.

(5) Inform HQ USAREUR/7A (AEAEN-RE) of meetings that may be called to discuss German proposals.

(6) Comment on positive and negative effects of proposed German actions and provide a position statement to the DCSENGR.

f. Using-unit commanders and agency heads will—

(1) Evaluate construction, zoning, and use plans, and inform ASGs of the plans impact on U.S. Forces facilities. The evaluation will include requirements for construction of alternate facilities and other measures to protect U.S. Forces interests.

(2) Keep ASG commanders informed of proposed changes in organization structure or mission requirements that would affect German construction, zoning, and land-use plans.

## 6. REVIEW PROCEDURES

**a. Purpose.** The primary purpose of U.S. Forces review of German planning documents is to protect U.S. Forces real estate interests and maintain current and future operational capabilities and quality-of-life standards. Conflicts should be resolved quickly to ensure the most efficient and realistic management of resources. Typical planning issues requiring resolution include—

(1) New German zoning restrictions that could limit current or future use of U.S. Forces-controlled property or

facilities. German planning determinations, legal reviews, and construction programs often take a long time to complete; 5 to 20 years should be considered for the realization of future-use requirements.

(2) German construction plans that may have an adverse effect on U.S. Forces-controlled property or operations (for example, a new highway to cross a U.S. Forces housing complex or training area, a *Zustimmung der Nachbarn* request for construction adjacent to a U.S. Forces installation).

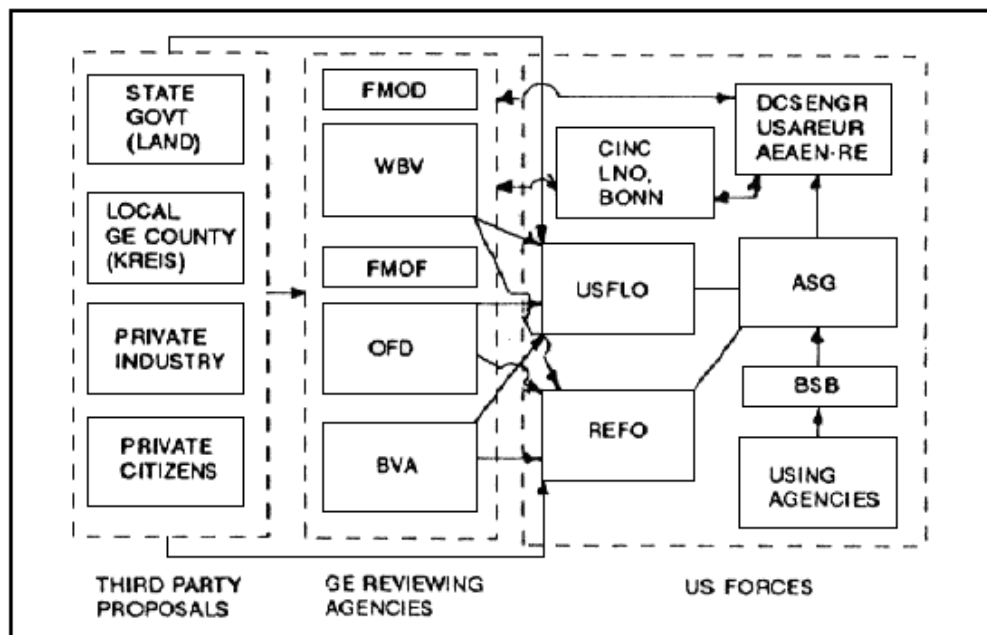
(3) German construction, zoning, and land-use plans that encroach on U.S. Forces-controlled property or intrude into restricted areas (for example, areas associated with airfields, ammunition storage facilities, training areas). Suspected violations of restricted area zones (for example, construction of objects either prohibited or exceeding restricted-area limitations) will be reported immediately to the DCSENGR.

(4) German plans that conflict with U.S. Forces master plans, accommodation requests, or master restationing plans.

**b. Points of Contact.** German construction, zoning, and land-use plans usually will be sent to the U.S. Forces by the official agencies of the German Federal Ministry of Finance and Defense (*OFD*, *BVA*, or *WBV*). Recipients may include heads of HQ USAREUR/7A staff offices, ASG commanders, USFLOs, REFOs, and BSB commanders. Senders and recipients will discourage third parties (for example, *Land* or regional construction agencies, local German community officials, commercial enterprises, private industries, individual citizens) from direct presentation of their plans or proposals to the U.S. Forces. These requirements must be reviewed by the appropriate *OFD*, *BVA*, or *WBV* agency before submission to the U.S. Forces. The receiving U.S. Forces agency will have German transmittal letters translated into English (when they can) and will send a complete set of the German plans to the DCSENGR. Figure 1 shows the routing of documents.

**c. Protection of U.S. Interests.** If a German plan infringes on U.S. Forces facilities or operational capabilities, the DCSENGR will request the responsible German agency to provide adequate replacement facilities or take measures to compensate for the infringement. The U.S. Forces-position reply to the German agency will specify conditions and alternate facilities requirements for U.S. Forces approval of the German plan.

**d. Further Actions.** To obtain approval for a plan, German authorities may wish to change the plan, add to it to meet U.S. Forces conditions, or negotiate with U.S. Forces for a compromise solution. Subsequent alternate-facility arrangements will be confirmed in writing.



**Figure 1. Routing of Alternate Facility and German Planning Documents for U.S. Forces Review**

### SECTION III ALTERNATE FACILITIES

#### 7. ALTERNATE FACILITIES POLICY

a. The policy in the SA will be followed when negotiating with German authorities for alternate facilities. Unless the DCSENGR considers it advisable, U.S. Forces representatives negotiating with German authorities should not refer to or be considered bound by other arrangements between German authorities and other Allied military forces stationed in Germany.

b. Under the provisions of the SA, U.S. Forces are required to release accommodations when they are no longer needed or when replacement accommodations meeting the needs of the U.S. Forces are made available. Release should be favorably considered if the alternate facilities would meet the needs of U.S. Forces to the same extent as the land or other accommodations proposed for release. If possible, two or more German proposals should be combined and treated as a package to prevent piecemeal degradation of U.S. Forces interests. At the local level, the U.S. Forces may informally initiate alternate facilities proposals to improve local or regional defense mission accomplishment or to support the USAREUR Master Restationing Plan.

c. U.S. commanders, however, will not make commitments to release real estate without written approval from

the DCSENGR. Existing U.S. Forces facilities that are to be released for alternate facilities normally will not be released until alternate construction has been completed, inspected, and accepted for beneficial occupancy by the U.S. Forces.

d. Alternate facilities may be offered by Germany to affect the release of—

(1) Properties owned by German Federal or *Land* Governments that presently are controlled by the U.S. Forces and are necessary to meet U.S. Forces requirements. Alternate facilities should be provided on a rent-free basis at no cost to the U.S. Forces, and must be completed before the U.S. Forces will release facilities requested by Germany.

(2) Properties other than those owned by German Federal or *Land* Governments. Negotiated agreements involving release of these properties for alternate facilities furnished by municipalities or private interests may require the U.S. Forces to pay compensation for use of the alternate accommodation.

(3) Properties legally owned by juristic persons, shares of which are held by German Federal or *Land* Governments. These properties will be processed as in (2) above. If by special arrangement the properties are considered to be German Federal- or *Land*-owned property within the meaning of the SA, article 63, they will be processed as in (1) above.

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e. When considering alternate construction proposals, the U.S. Forces should seek an equitable solution that will accommodate the German plan without adversely affecting the interests of the U.S. Forces. Alternate facilities should provide for present and future needs of the U.S. Forces to the same extent as those requested for release.

f. Alternate construction should be located on land owned by German Federal or *Land* Governments. Construction on land already under U.S. Forces control should be accepted only when necessary or desirable to meet particular U.S. Forces facility requirements. When applicable, the provisions of USAREUR Regulation 405-8 must be followed.

g. Alternate facilities will be provided on the same basis of continued availability to U.S. Forces as facilities to be released.

h. Alternate-facility agreements must be in writing and made between the U.S. Forces and German Federal authorities (not with *Länder*, cities, or other agencies or parties proposing or benefiting from the exchange).

i. Alternate facilities should be provided rent-free and acquired or built at no cost to the U.S. Forces. Replacement facilities should be complete and usable for the purpose intended. If the U.S. Forces currently pay rent on the facility to be released, the rental rate for the alternate facility will not be higher.

j. The concept of alternate facilities is replacement of facilities or provision of compensatory measures to make up the loss of the real property released by the U.S. Forces. Alternate construction agreements based on monetary credits must be avoided.

k. Formal U.S. Forces-position statements for the acquisition of alternate facilities will be submitted to German authorities by the DCSENGR and only to a competent German Federal ministry or to appropriate subordinate agencies (for example, the *OFD*, *BVA*, or *WBV*).

## 8. RESPONSIBILITIES

a. The DCSENGR will—

(1) Approve or disapprove release of U.S. Forces facilities in exchange for alternate construction.

(2) Approve U.S. Forces conditions and requirements for alternate facilities in exchange for release of U.S. Forces-controlled accommodations.

(3) Provide overall direction on matters pertaining to alternate facilities or alternate construction for USAREUR units in Germany.

(4) Develop—in coordination with ASG commanders, users, and interested HQ USAREUR/7A staff offices—details and drafts of alternate facilities agreements.

(5) Present coordinated U.S. Forces-position statements and draft agreements to German authorities, and negotiate and sign final alternate facilities agreements with German officials.

(6) Prepare U.S. Forces design guidance and criteria, scope of work, and technical instructions for construction of alternate facilities; and provide this information to the responsible German construction agency (*Bauamt*).

(7) Coordinate and approve German concept plans and budgetary documents for alternate facilities prepared in compliance with the *Bundeshaushaltsordnung (BHO)*, paragraph 2. (The BHO is the governing German document for German construction planning and budgeting.)

(8) Monitor and approve final designs in coordination with ASGs and using agencies, and conduct technical reviews of German-prepared plans and specifications for engineering feasibility and conformance to standards.

(9) Monitor construction or delegate that authority to ASG commanders to ensure engineering sufficiency, conformance to conditions of negotiated agreements, and protection of U.S. Forces interests.

(10) Ensure that ASGs and other interested U.S. Forces agencies are informed of the status and progress of alternate facilities construction.

(11) Determine the acceptability of completed alternate facilities for the U.S. Forces.

(12) Coordinate with appropriate USAREUR commanders to conduct final acceptance inspections and ensure German authorities correct any deficiencies that exist.

(13) Issue instructions to REFOs to document U.S. Forces takeover of alternate land and facilities acquired from Germany and to transfer the real estate to the appropriate ASG or BSB real property accountable officer.

(14) Determine, in coordination with appropriate USAREUR commanders, using units, and other U.S. agencies, the timing of releases in connection with provisions of alternate facilities agreements.

(15) Schedule release dates of U.S. Forces-controlled property with German authorities.

(16) Perform engineering feasibility studies as needed.

(17) Advise ASGs and BSBs to account for and maintain U.S. Forces-controlled facilities until officially released by the U.S. Forces or relinquished to the appropriate German authorities for repair, rehabilitation, or conversion under the provisions of a concluded agreement.

(18) Provide assistance to USAFE on alternate construction matters on request.

(19) Administer (with German authorities) applicable guarantees on latent defects in alternate facilities for the U.S. Forces.

b. USFLOs will—

(1) Help the DCSENGR in discussions and negotiations with German authorities when requested.

(2) Inform the DCSENGR of local U.S. Forces and German *Land* requirements and attitudes toward alternate facilities and construction proposals.

c. REFOs will coordinate and carry out facilities acquisition, and release documentation with German authorities and ASG and BSB real property accountable officers according to DCSENGR instructions.

d. ASG commanders will—

(1) Identify BSBs, ASTs, using units, staff elements, and other U.S. Forces agencies that have an interest in alternate facilities or construction proposals, and ensure that they have an opportunity to comment.

(2) Conduct an initial evaluation of and develop U.S. Forces requirements for proposed alternate construction projects. When appropriate, the Commander in Chief, USAREUR, or the DCSENGR may designate other commanders to conduct initial evaluations and develop U.S. Forces requirements for alternate facilities.

(3) Develop a list (incl scope) of replacement requirements for alternate facilities with the user and the DCSENGR.

(4) Conduct discussions with local German authorities on details of alternate construction projects when authorized by the DCSENGR.

(5) Coordinate with the user and the DCSENGR on matters of mutual interest (for example, alternate construc-

tion, master planning, preparation of scope-of-work statements, technical instructions).

(6) Prepare and send scope-of-work statements to the DCSENGR when acting as the user. In coordination with the DCSENGR, ASG commanders will develop specific project requirements and list preferences for alternate facilities. ASG commanders will ensure that required functional and operational characteristics of facilities, appropriate single-line concept drawings, and sources of equipment are included with project requirements.

(7) Review construction plans and specifications submitted by German authorities (and distributed by the DCSENGR) for functional and operational adequacy of facilities to be provided and the utilities required to service the facilities.

(8) Consolidate comments, develop basic U.S. Forces requirements, and submit command-position statements to the DCSENGR on alternate facilities or construction proposals.

(9) Promote efficient operation and maintenance of alternate facilities, and ensure that management, safety, environmental, public health, security, and comfort factors are addressed in the acquisition of alternate facilities.

(10) Designate a responsible person to monitor construction and ensure compliance with conditions of the agreement on request of the DCSENGR. The designated person will immediately report noncompliance to the DCSENGR through command channels.

(11) Conduct the final acceptance inspection of alternate facilities on request of the DCSENGR and inform the DCSENGR of deficiencies to be corrected before acceptance from German authorities.

(12) Assume responsibility for completed alternate facilities on turnover to the U.S. Forces with the appropriate BSB.

(13) Report noncompliance with applicable guarantees on latent defects by the German construction agency and cases of U.S. Forces and German disagreements to the DCSENGR for resolution.

(14) Ensure responsible U.S. Forces agencies and supported activities budget required resources for operating and maintaining alternate facilities made available to the U.S. Forces.

e. Commanders of using units and agencies will—

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(1) Inform ASG commanders of proposals made during the initial evaluation to include requirements for construction of alternate facilities and other measures to protect U.S. Forces interests.

(2) Provide to ASG commanders—

(a) Space requirements, functional layouts, and operational characteristics of proposed facilities; and other technical data.

(b) Other information necessary to install special, built-in, and nonstandard equipment.

(3) Review preliminary plans, and outline specifications for sufficiency of essential functional and operational elements.

(4) Immediately advise the DCSENGR through command channels of changes in missions or activities that may affect design, construction, or both.

### 9. REVIEW PROCESS

#### a. Initial Evaluations.

(1) Commanders of applicable ASGs, with commanders of using units and other interested U.S. Forces agencies and elements, will evaluate the effect of proposals, develop exchange requirements, and provide written recommendations on the U.S. Forces position to the DCSENGR.

(2) ASG commanders should ensure that initial evaluations are compatible with established U.S. Forces plans (for example, installation master plans, master restationing plans, consolidation plans).

(3) Evaluations also should include functional and operational features essential for intended use. ASG commanders will identify requirements for connecting utilities, access roads for vehicles and pedestrians, maintenance and repair, fire protection, ammunition storage, restricted-area zones (USAREUR Reg 210-60), communications, civilian labor support, housing, schools, and community facilities.

**b. Approval or Disapproval.** The DCSENGR will review relevant information, approve or disapprove proposals, and present the U.S. Forces position to German authorities.

(1) If an exchange proposal is disapproved, the DCSENGR, as the designated representative of the Commander in Chief, USAREUR, will inform the appropriate German authorities of the reasons for the rejection and the extent to which an alternate solution should be sought.

This may be done directly or through a USFLO or the Commander in Chief, USAREUR, Liaison Officer, American Embassy, Bonn. The DCSENGR will consult with the responsible commander to develop U.S. Forces counter-proposals to be made to German authorities.

(2) When a proposal is reviewed by the DCSENGR, an analysis of the extent of construction requirements will be used to determine whether the exchange should be handled as a conditional real estate release or as a U.S. Forces and German alternate facilities agreement.

### 10. ALTERNATE FACILITIES AGREEMENTS

Figure 2 shows the alternate facilities agreement process.

**a. Required Alternate Facilities Agreements.** An alternate facilities agreement will be required for complex or extensive construction, for compensatory measures, or when political considerations require written documentation. For expediency, the U.S. Forces may exchange letters with German authorities confirming an exchange arrangement before executing a formal alternate facilities agreement. Subsequent negotiations with German authorities and modifications of the basic U.S. Forces and German positions may be necessary before finalizing a written agreement. When a U.S. Forces and German agreement-in-principle has been reached, the U.S. Forces will begin to form detailed re-quirements for a written agreement.

**b. Alternate Facilities Agreement Not Required.** An alternate facilities agreement is not required when the amount of alternate construction or compensatory measures required by the U.S. Forces is limited (for example, when a fence or a guard house needs to be relocated, section of utility lines modified, traffic lights installed). These actions generally will be handled as conditional real-estate-release actions according to USAREUR Regulations 405-8. Commanders will develop basic U.S. Forces requirements and conditions and send the information and AE Form 1200-R (Disposal of Real Estate) to the DCSENGR. The DCSENGR will develop, in coordination with commanders of using units, ASGs, and other interested U.S. Forces agencies, additional details and conditions to ensure protection of U.S. Forces interests. The DCSENGR will issue instructions to REFOs to reach an agreement with the appropriate regional German agency on the conditions for and the timing of the release. The responsible DEH and REFO will monitor the release to ensure compliance and minimal interference with U.S. Forces operations. The REFO will notify the DCSENGR when release conditions have been met and the release has been effected.

**c. General Consideration for Alternate Facilities.** Commanders developing alternate facilities requirements should consider the following:



(1) Space requirements based on relevant DOD, HQDA, and USAREUR regulations and that provide for the most efficient performance of functions to be moved.

(2) Space requirements that are not available in existing facilities.

(3) Underuse or improper space allocation in existing facilities.

(4) Potential space reductions if more efficient, better designed facilities were made available.

(5) Consolidation of parking, utility, and energy requirements.

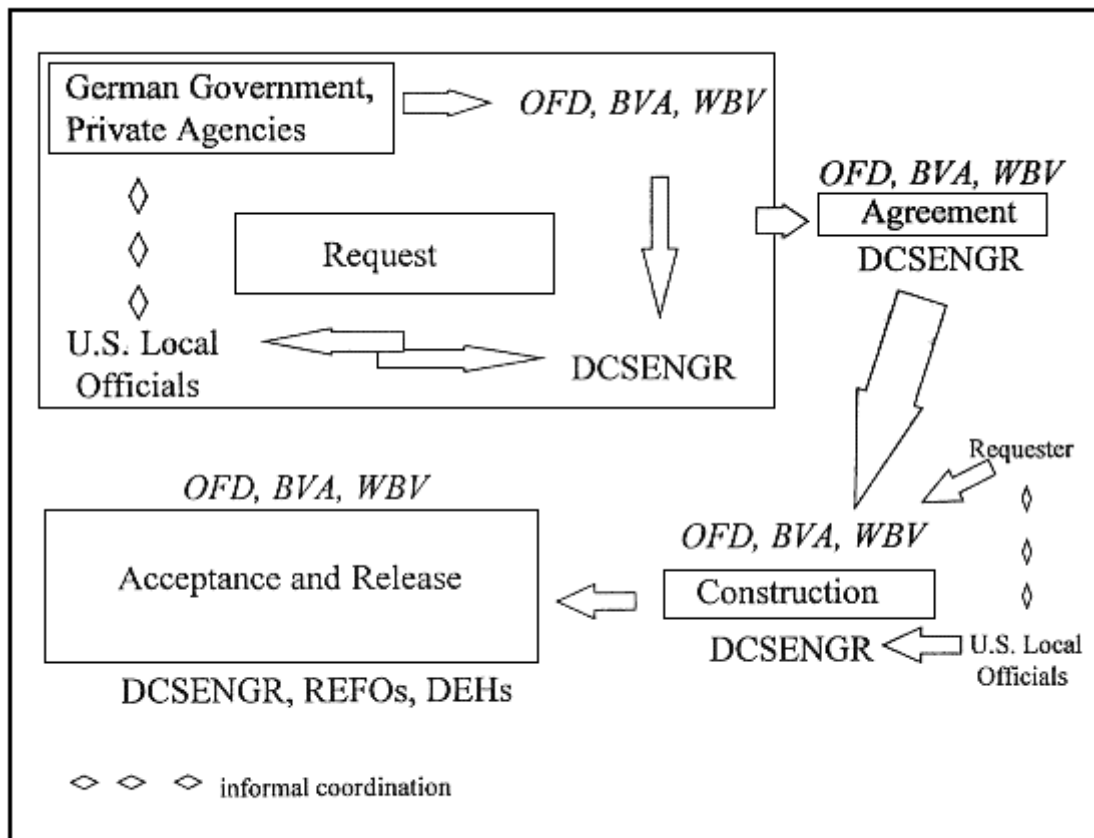
(6) Future Military Construction, Army (MCA); Operation and Maintenance, Army (OMA); nonappropriated fund; and other U.S.-funded projects that could be incorporated into exchange arrangements.

**d. Agreement Content.** Formal alternate facilities agreements and letters confirming exchange arrangements will include the following elements when appropriate:

(1) Specific designation of facilities to be replaced or released showing total areas (for example, in gross square meters, hectares) and a breakdown by activity or function with space currently allocated for each. Information also must include the official U.S. Army installation designation and identification number (Army location code (ARLOC) number).

(2) Specific description of facilities to be provided to the U.S. Forces showing total areas and a breakdown by functions with future space requirements for each. If located on an existing U.S. Forces installation, the ARLOC number must be included.

(3) Information on availability of real estate where alternate facilities will be located.



**Figure 2. Alternate Facilities Agreements Process**

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(4) Master plans, concept drawings, and annotated maps of facilities as shown on detailed site plans.

(5) Narrative description of facilities to be constructed, supplemented by single-line drawings.

(6) Description of the extent of required renovations (for example, repairs, alterations, improvements, conversion of existing facilities).

(7) Utility requirements.

(8) Description of related functional appurtenances (for example, roads, parking areas, sidewalks, fences).

(9) Special operating requirements (for example, security telephone service, air conditioning).

(10) Requirements for structural fire protection and for fixed and installed fire-reporting, -detection, and -extinguishing systems.

(11) Description of built-in and installed equipment, noting whether it is furnished by the U.S. Forces or German authorities.

(12) Restricted area or zone requirements associated with certain operating facilities (for example, airfields, ammunition storage areas, communication sites) (USAREUR Reg 210-60).

(13) Environmental protection measures (for example, noise-abatement measures or commitment to relocate facilities if specified standards are not met).

(14) Information on responsibility for costs incurred by the relocation of U.S. Forces to new facilities.

(15) Stipulation that the U.S. Forces obtain credit for any residual value of facilities to be released.

(16) Documentation of guarantee claims and payment requirements.

(17) Stipulation that German authorities must provide specific material and information on alternate facilities to be turned-over to the U.S. Forces (for example, as-built plans, description or nomenclature of installed equipment and appurtenances).

## 11. CRITERIA

**a. Sources for Standards.** The design criteria and space allowance in the AEI and USAREUR Space and Criteria Manual will be used in negotiating for construction of

alternate facilities. General engineering and special technical design factors will conform to applicable HQDA TMs. Alternate construction must comply with U.S. fire and safety codes, and security, quality-of-life, and other national standards unless applicable host nation laws and standards prescribe higher standards. Alternate-facility design standards must not jeopardize efficient operation and maintenance.

**b. Facilities Exceeding U.S. Forces Needs.** To meet future German requirements or for other relevant reasons, German authorities may wish to provide facilities that exceed the stated needs of the U.S. Forces. If the U.S. Forces find the proposal satisfactory, the relevant agreement will specify that this arrangement is accepted—

(1) As a result of a request from German authorities and for their convenience.

(2) With the condition that the U.S. Forces incur obligations only for that portion of the alternate facilities negotiated for U.S. Forces use and that rental compensation, if applicable, will be computed to exclude additions or extra design features incorporated only for the benefit of Germany.

## 12. DESIGN AND CONSTRUCTION PROCEDURES

**a. General.** The design, construction, and acceptance of an alternate facility provided for U.S. Forces accommodation by the Government of Germany will be done at no cost to the U.S. Forces. The DCSENGR is the only U.S. Forces point of contact and proponent for alternate construction matters. Detailed procedures are in the reference at paragraph 2d.

**b. Design Monitoring.** The DCSENGR will conduct necessary design reviews of German designs. If technical assistance is required, the DCSENGR may request support from the District Engineer, United States Army Engineer District, Europe (USAEDE), and from the appropriate ASG DEH.

**c. Construction Monitoring.** The DCSENGR will perform necessary on-site monitoring of construction. If field engineering assistance is required, the DCSENGR may request support from the District Engineer, USAEDE, and from the appropriate ASG DEH.

**d. On-Site Visits.** U.S. Forces personnel who want to visit an alternate construction site will coordinate the visit beforehand with the DCSENGR. The DCSENGR will make necessary arrangements with the German construction agency. This does not prevent local commanders or their engineering staffs from making informal visits or day-to-day

contacts with construction personnel to meet operational requirements. Visitors will direct comments about the quality, progress, or other elements of the construction only to the DCSSENGR.

**e. Final Inspection.** The responsible German authority will notify the DCSSENGR when construction is finished and alternate facilities are ready for turnover. German authority, ASG, and DCSSENGR representatives will inspect the completed facilities to determine if every provision of the agreement has been met. Required real estate documentation for the property will then be executed according to USAREUR Regulation 405-8.

### 13. MAINTENANCE OF ALTERNATE FACILITIES

a. ASG and BSB commanders will be responsible for maintaining alternate facilities after they are accepted by the DEH real property accountable officer. Standards of maintenance will be the same as those for other property for which the U.S. Forces have maintenance responsibility.

b. U.S. Forces responsibility for the maintenance and repair of facilities scheduled to be released to German authorities under the terms of an agreement will continue until the U.S. Forces officially release the property.

c. U.S. Forces responsibility for maintenance and repair of U.S. Forces-controlled facilities to be turned over to a German Government agency for renovation or conversion under the terms of an agreement will remain in effect until the facilities are officially transferred to the responsible German construction agency.

d. USAREUR commands using a facility are responsible for security of the facility until it is officially released.

### 14. ACCOUNTABILITY FOR ALTERNATE FACILITIES

AR 420-17 (and USAREUR Suppl 1) prescribes accountability policy for alternate facilities by the U.S. Forces. Facilities accepted by the DCSSENGR from the competent German construction agency will be transferred to the appropriate ASG or BSB real property accountable officer as prescribed in USAREUR Regulation 405-8. As a minimum, a DD Form 1354 (Transfer and Acceptance of Military Real Property) will be completed, stating the cost of the new construction and the value of the facilities being replaced by the alternate facilities.

### 15. SUPPLEMENTARY COSTS

**a. Relocations.** Agreements for providing alternate facilities normally will prescribe the responsibility for costs of moving the U.S. Forces activity.

**b. Equipment Installation.** The cost of installing equipment in alternate facilities, including equipment that may be furnished by the U.S. Force, will be borne by the appropriate German agency unless otherwise agreed in the negotiation documents.

**c. Guarantee Payments and Claims.** Agreements will specify that Germany will be directly responsible for actions required to ensure fulfillment of guarantee terms by the contractor or supplier and for the settlement of claims arising from the provision of alternate facilities.

## USAREUR Reg 405-11

### GLOSSARY

#### SECTION I

##### ABBREVIATIONS

AEI	United States Army Corps of Engineers Architectural and Engineering Instructions
AR	Army regulation
ARLOC	Army location code
ASG	area support group
AST	area support team
BHO	<i>Bundeshaushaltsordnung</i>
BSB	base support battalion
BVA	<i>Bundesvermögensamt</i>
DCSENGR	Deputy Chief of Staff, Engineer, USAREUR
DEH	director of engineering and housing
DOD	Department of Defense
HQDA	Headquarters, Department of the Army
HQ USAREUR/7A	Headquarters, United States Army, Europe, and Seventh Army
MCA	Military Construction, Army
NATO	North Atlantic Treaty Organization
OFD	<i>Oberfinanzdirektion</i>
OMA	Operation and Maintenance, Army
REFO	real estate field office
SOFA	Status of Forces Agreement
SA	Supplementary Agreement to the NATO SOFA
TM	technical manual
U.S.	United States
USAEDE	United States Army Engineer District, Europe
USAFE	United States Air Forces in Europe
USAREUR	United States Army, Europe
USFLO	U.S. Forces liaison officer
WBV	<i>Wehrbereichsverwaltung</i>

#### SECTION II

##### GERMAN TERMS

###### *Bauamt*

construction agency

###### *Bundesbaugesetz*

German Federal Construction Law

###### *Bundeshaushaltsordnung*

Federal Budgetary Regulation

###### *Bundesvermögensamt*

Federal Assets Office

###### *Flächen für den Gemeinbedarf*

areas for general public use

###### *Kreis*

county

###### *Land*

State

###### *Oberfinanzdirektion*

regional finance office

###### *Sondergebiete*

special areas

###### *Wehrbereichsverwaltung*

territorial command

###### *Zustimmung der Nachbarn*

neighbors consent

#### SECTION III

##### SPECIAL TERMS

###### **alternate facilities**

Existing German property (land and buildings, incl appurtenances and improvements fixed or installed) or newly constructed real property facilities provided by Germany in exchange for U.S. Forces release of facilities previously made available to the U.S. Forces under the NATO Status of Forces Agreement, article 48, paragraph 5(a)(i). Alternate facilities should be similar to or related to the property released.

###### **alternate facilities agreement**

A written agreement stating general provisions, conditions, and requirements for releasing U.S. Forces-controlled facilities in exchange for alternate facilities. Documents normally are signed at German regional level (*Oberfinanzdirektion*) for the Government of Germany and by the Deputy Chief of Staff, Engineer, USAREUR, as the designated representative of the Commander in Chief, USAREUR.

###### **area support group (ASG)**

In this regulation, the 6th, 26th, 53d, 80th, 98th, 100th, and 104th ASGs.

###### **construction**

Defined in AR 415-35.

###### **equipment**

Defined in AR 415-15.

**facility**

Item of real property improvement. Each item is reportable as a separate line item in the Installation Inventory of Army Military Real Property Inventory and Building Information Schedule (RPI-BIS)(RCS ENG-242), which is maintained by the Office of the Deputy Chief of Staff, Engineer, HQ USAREUR/7A (AEAEN-EH-PI).

**German construction plans**

Plans for developing highways, ports, airfields, and other types of construction, plans for urban and regional zoning, plans for establishing nature and environmental preserve areas, and plans involving private (neighbor's consent) or commercial and industrial developments adjacent to or near U.S. Forces installations.

**installation**

In general, real estate (real property and improvements) on or in which USAREUR performs functions (AR 415-16, para 3a). In this regulation, the "installation" includes the restricted area zones associated with certain operating facilities (for example, airfields, ammunition storage areas, air defense and communications sites) (USAREUR Reg 210-60).

**negotiations**

Formulating and presenting the U.S. Forces position to appropriate German authorities by authorized HQ USAREUR/7A representatives for the purpose of coming to

an agreement on the terms of an alternate facilities arrangement. Negotiations can be accomplished by written correspondence or at meetings.

**technical discussion**

Meeting between U.S. Forces and German agencies involving functional, technical, and construction requirements for a project. The final design will be based on the decision agreed on in these meetings by the Deputy Chief of Staff, Engineer, USAREUR, as the designated representative of the Commander in Chief, USAREUR. Agreements can be documented by formal agreement documents, letters, or minutes of meetings stating terms and conditions agreed on by the parties.

**technical instructions**

Detailed descriptions of the functional and technical features and construction requirements of a project, including supporting items and equipment, used as a basis for the design of both functional and engineering elements.

**user**

The military unit, agency, or organization exercising direct responsibility for the day-to-day operation of a facility.

**zoning and use plans**

Local, regional, area use, and development (long-range) plans compiled by German civil authorities according to the German Federal Construction Law (*Bundesbaugesetz*).